

Subject: SRKW critical habitat comments
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Comments on Proposed Critical Habitat Designation for SRKW population
By Kenneth C. Balcomb, III

First, I would like to commend NMFS for coming forth with such an expansive designation of critical habitat that encompasses much of Puget Sound and the interior marine waters of Washington State. This area is, indeed, the core region frequented by the SRKW population from early June until November. However, even during those months the whales come in and go out of the designated area very frequently (daily to fortnightly). I have maintained a record of my observations and sightings by others of SRKW's for the past thirty years, and my quick summary is that less than half of the SRKW population is in the designated area more than half of the total time (if that makes sense). That is, more than half of the population is **outside** of the designated area **most** of the time from June until November, and their travel time between visits to the interior does not permit them to go very far in coastal waters or offshore. In fact, there is very good evidence that the coastal waters of British Columbia and Washington state comprise the habitat utilized by SRKW's when they are **not** in the interior designated waters from June until November. That is, about 75% of the per whale time available in the roughly 180 days from June until November is spent outside of the designated waters, whereas if the coastal waters of Washington state and British Columbia were taken into account virtually 100% of the per whale time available from June until November could be encompassed. Obviously, NMFS cannot propose designation of Canadian waters as critical habitat for SRKW's (DFO can); but, it would be biologically defensible to designate the continental shelf waters of Washington state as critical habitat, and thereby provide our nation's fair share of protection to SRKW's for critical feeding for one half of the year. That makes a great deal of sense to me, especially considering that a very large proportion of the continental shelf waters of Washington state is already designated by NOAA as "Olympic Coast National Marine Sanctuary". Actually, the converse position – leaving a sanctuary out of critical habitat – seems a mockery and a disservice to NOAA professionals. There may be very good national defense reasons for not wishing to include large portions of the OCNMS within the critical habitat designations; but, as in Puget Sound, these portions can be delineated and exempted, and the issue will be quite straightforward and clear.

During the remaining half of the days of the year, from December until May, most of the SRKW's are rarely (less than 5% of the time) found within the designated interior marine waters of Washington state, and the best evidence available indicates that they forage in coastal waters as far south as central California and far north of the Canadian border. It appears that J, K, and L pods typically turn south when they exit the Strait of Juan de Fuca and travel down the coast during January and February, and then they travel back up the coast in March, spending significant time in continental shelf waters of Washington state and off the Columbia River. This seems to provide even more reason to at least designate the continental shelf waters of Washington state as critical habitat for SRKW's. You could be pretty sure to encompass more than 90% of the SRKW time spent in US waters if you extended the critical habitat designation to continental shelf waters from the Canadian border to central California, with appropriate and reasonable economic and national exemptions. Thank you for your efforts in designating critical habitat for SRKW's.

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